

NEW MEXICO
ENVIRONMENTAL LAW CENTER

SFUND RECORDS CTR
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July 1, 2009

Andrew Bain
Superfund Project Manager
U.S. Environmental Protection Agency
75 Hawthorne St. (SFD 6-2)
San Francisco, CA 94105

RE: Improvement of public awareness and participation in the decision-making process on the Church Rock mine and mill site remediation plan

Dear Mr. Bain:

By this letter we request that you take immediate action to improve the ability and opportunities of the locally affected populations around the Church Rock mine and mill site to participate in the EPA decision-making process concerning site remediation. The proposals -- complex reports on the bases of decision and plans for remediation -- were released on June 12 with a 30 day comment deadline, only two public meetings scheduled, and the administrative record available in Gallup, NM, and Window Rock, AZ.

Despite the best efforts of your staff, copies of the proposed plans (interim and long-term) and the agency administrative record have not been placed in the Navajo Chapter Houses adjacent to the mine and mill site. Copies of these materials should be in the Pinedale Chapter House, Church Rock Chapter House and the Crownpoint Chapter House. Additionally, efforts should be made to provide translators who can assist those local residents lacking in ability to read English language documents. Moreover, there should also be appropriate personnel available for specific periods of time at each Chapter House to explain and answer questions about technical documents that comprise the administrative record. Until local people have had a reasonable opportunity to review the administrative record in a conveniently located and familiar place with language and technical assistance, they will not be able to effectively participate in the decision-making process.

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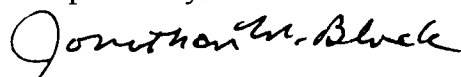
Other important considerations follow from the above. More public meetings should be scheduled--and they should be at the Chapter Houses in affected areas as well as places in New Mexico that have an interest in the cleanup, e.g., Santa Fe, Albuquerque, Milan, Grants, Gallup. The initial meetings should focus on explaining the document collection and its use. After local people have had a reasonable opportunity to access the administrative record and read the technical and summary reports on which the EPA recommendations are based, at least thirty to sixty days, there should be informational meetings held to discuss the record, reports, and recommendations and answer questions. Following such meetings, within 15 to 20 days, there should be meetings at which public comments are taken down for the record. After the last such meeting is held, there should be an additional 30 days for collecting final written comments.

The EPA Region 9 website speaks with warranted pride of the Region's attempts to advance Environmental Justice. The entire agency has made some reasonable efforts to integrate Environmental Justice issues into the agency's process. However, in this case, in a region where uranium mining and milling has so severely damaged the lives of indigenous peoples, Navajos and members of the Acoma, Laguna, Zuni and other Pueblos, and had an adverse impact on the human and natural environment and health of residents of the State of New Mexico, the EPA needs to do more--and better--than it has done so far in this matter.

We urge you to take immediate steps to significantly expand the outreach, education, availability of information, public hearing process, and time for commenting, including the use of on-site translators and technical experts in this case.

Thank you for your consideration.

Respectfully,



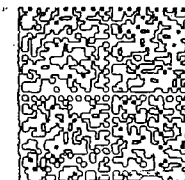
Jonathan M. Block
Staff Attorney

cc: Mr. Stephen B. Etsitty, Executive Director, Navajo Nation EPA
Ms. Lisa Jackson, Administrator, US EPA
Mr. Ron Curry, Secretary of the Environment, New Mexico
U.S. Senator Jeff Bingaman
U.S. Senator Tom Udall
U.S. Congressman Ben Ray Luján



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